

United States District Court
Middle District of Florida
Jacksonville Division

JOYCE RAE BRIGHT,

Plaintiff,

v.

No. 3:20-cv-1385-HES-PDB

**ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,**

Defendant.

Order

Citing Federal Rule of Civil Procedure 12(f) and Florida law, the defendant moves to strike a proposal for settlement served on March 11, 2021, contending the proposal is premature and not made in good faith. Doc. 10. The plaintiff agrees to give the defendant thirty additional days to respond to the proposal but no more. Doc. 13.

The Court denies the motion, Doc. 10, without prejudice.

Rule 12(f) is inapplicable because the rule applies only to pleadings defined in Rule 7(a), and the proposal is not a pleading under that definition. *See Lancet Indem. Risk Retention Grp., Inc. v. Allied World Surplus Lines Ins. Co.*, No. 8:15-CV-406-T-23JSS, 2016 WL 9527959, at *2 (M.D. Fla. May 3, 2016) (denying similar motion to strike in part because Rule 7(a) is inapplicable); *Vanderwall v. United Airlines, Inc.*, No. 14-CIV-60256, 2014 WL 4755219, at *1 (S.D. Fla. Sept. 23, 2014) (same).

Assuming that this Court otherwise has inherent authority to strike the proposal or can properly apply Florida law on striking proposals considering *Erie* principles, the motion is premature. In reaching this conclusion, the Court is persuaded by the reasoning in *Hernandez v. Altec Envtl. Prod., LLC*, No. 10-80532-CIV, 2012 WL 12854869, at *2 (S.D. Fla. Mar. 6, 2012).

Ordered in Jacksonville, Florida, on May 7, 2021.



PATRICIA D. BARKSDALE
United States Magistrate Judge